

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TOBY HOWARD	)
	)
v.	) NO. 3-09-0665
	) JUDGE CAMPBELL
TENNESSEE DEPARTMENT OF	)
CORRECTION, et al.	)

ORDER

Pending before the Court is a Motion for Summary Judgment filed by Defendants Sator, Burnett, Calonge and FCM-MTC Medical LLC<sup>1</sup> (Docket No. 42), to which Plaintiff has filed a Response (Docket No. 57), and Defendants have filed a Reply (Docket No. 58).<sup>2</sup>

For the reasons stated in the accompanying Memorandum, Defendants' Motion for Summary Judgment is GRANTED. All claims against Defendants Sator, Burnett, Calonge, Benedict and FCM-MTC Medical LLC are dismissed with prejudice.

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<sup>1</sup> Although the Motion for Summary Judgment states that it is being filed by Defendants Sator, Burnett, Calonge and FCM-MTC Medical, Defendants seek to have the claims against Defendant Benedict dismissed as well. Docket No. 43, p. 10. Counsel for Defendants Sator, Burnett, Calonge and FCM-MTC Medical also represent Defendant Benedict, and the omission of Defendant Benedict from the moving papers appears to be a clerical mistake.

<sup>2</sup> Plaintiff has failed to file a Response to Defendants' Statement of Undisputed Facts and, as explained in the accompanying Memorandum, those facts, therefore, are admitted for purposes of summary judgment. Local Rule 56.01(g).

The jury trial set for July 12, 2011, and the pretrial conference set for June 27, 2011, are canceled. Any other pending Motions are denied as moot, and the Clerk is directed to close the file.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE